IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15098 of 2004

Between:

Challa Chinnabhai S/o. Butchaiah
Syamalavari Palem, Grama Panchayat,
Yaddanapudi (Mandal), Prakasam District.

..... PETITIONER

AND

1 Govt of A.P., rep. by Prl. Secretary to Govt., Panchayatraj and Rural Development Department, Secretariat, Hyderabad.
2 The District Collector (PW), Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ, Order or direction more so a writ in the nature of Certiorari thereby declaring the impugned proceedings No.G.O.Rt.No.1111 Dt. 31.7.2004 issued by the 1st respondent as arbitrary, illegal, unlawful and opposed to the principles of natural justice and quash the same as null and void and may pass such other order or orders as this Hon'ble Court may be pleased to deem fit and proper in the interest of justice and equity.

For the Petitioner: MR.G.VASANTHA RAYUDU , Advocate

For the Respondent No.: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORAL ORDER:

The petitioner who was elected as Sarpanch to the office of Gram Panchayat, Syamalavaripalem was placed under suspension for a period of three months by the District Collector in exercise of powers conferred on him under sub-section (6) of Section 249 of A.P. Panchayat Raj Act through his proceedings dt. 6-6-2003. Though suspension was for a period of three months, the petitioner filed a revision on 4-11-2003 before the Government. The Government initially kept the suspension order in abeyance pending further enquiry into the matter but by the impugned G.O.Rt. No. 1111 Panchayat Raj and Rural Development (PTS-II-A) Department dt. 31-7-2004 dismissed the revision petition by confirming the orders of the District Collector dt. 6-6-2003. Questioning the same, the present writ petition has been filed.

When the writ petition was taken up for hearing on 25-8-2004, learned Govt., Pleader for Panchayat Raj was directed to find out whether suspension of the petitioner was extended on expiry of three months period. Learned G.P. on instructions submits that same was extended and extended period has also been expired. In view of the same, the petitioner is entitled to restoration to office of Sarpanch, unless he was removed from the office for any irregularities under Section 249(1) of the A.P.Panchayat Raj Act,1994. .

The writ petition is accordingly disposed of.

A.GOPAL REDDY,J

DT.4-10-2004

kmr

To

1 The Principal Secretary to Govt of A.P., Panchayatraj and Rural Development Department, Secretariat, Hyderabad.
2 The District Collector (PW), Prakasam District.

3. 2CCs to the Govt., Pleader for Panchayat Raj, High Court Buildings, Hyderabad (OUT)

4. 2CD copies